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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

William F. Caton
Acting Secretary
Federal Communications Commission
Room 242
1919 M Street, NW
Washington, D.C. 20554

RE: ET Docket No. 93-198
Preparation for International Telecommunications Union
World Radiocommunication Conference

Dear Mr. Caton:

Enclosed herewith for filing are an original and four copies of the Comments of Digital Satellite Broadcasting Corporation in the above-captioned matter.

I am also enclosing a copy marked "receipt copy" to be stamped as received and returned to us.

If you have any questions concerning this filing, please contact the undersigned attorney.

Respectfully submitted,



W. Theodore Pierson, Jr.
Counsel for DSBC

Enclosure

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agendas of WRC-95, WRC-97 or a later WRC. The portion of the NOI
addressing DARS notes that the 1992 World Administrative Radio
Conference ("WARC-92") adopted BSS allocations in three bands.
Only the U S and India were allocated frequencies in the 2310-2360

Allocation and Coordination Issues. It is undesirable and unnecessary for the U.S. to place DARS allocation or coordination issues on any WRC agenda. The multiple proceedings in both the WARC-92 and DARS dockets have garnered immense support for DARS and largely eliminated any objections to an allocation of the 2.3 GHz frequencies to domestic DARS. Moreover, the U.S. engaged in a protracted and contentious battle at WARC-92 to win the domestic allocation of the 2310-2360 MHz band for DARS.⁴ The U.S. obtained what it set out to achieve at WARC-92 -- an allocation of DARS frequencies for the U.S. that permit near term initiation of domestic digital audio services. It would undermine the considerable effort and resources already expended to revisit the allocation of these frequencies to domestic DARS. No compelling or even apparent reason to revisit allocations issues exists. A uniform worldwide allocation for DARS is unnecessary and will only serve to delay the initiation of new digital audio services while a compromise is hammered out (essentially repeating the WARC only recently completed) with no identifiable benefits to offset the delay and resources expended in the process.

Similarly, issues relating to coordination and protection of other satellite audio services and existing terrestrial services need not be placed on the WRC agendas. Because of the relatively small number of S-Band receivers in use in North America, issues

⁴ See, Addendum + Corrigendum to the Final Acts of the World Administrative Radio Conference, at p. 20, ADD 750B (Malaga-Torremolinos 1992).

surrounding the coordination of DARS and terrestrial systems may be better and more efficiently addressed through bilateral negotiations among the affected administrations and the individual parties involved.

Advance Publication. The NOI states that the Commission's goal is to address international issues that will aid introduction of U.S. DARS systems. in order to facilitate the coordination process and foster rapid initiation of DARS, the U.S. should immediately advance publish four S-Band DARS systems. Advance publication concurrent with consideration of domestic allocation, licensing, and rulemaking issues comports with the Commission's use of parallel rulemaking and licensing procedures in order to accelerate the initiation of satellite services. The advance publication of generic systems will ensure that DARS service is not subject to additional delay once DARS frequencies are allocated and licenses are issued.

Resolution 528. The majority of countries at WARC-92 sought BSS (Sound) allocations at 1.5 GHz with a substantial minority seeking the 2.5 GHz band. Ultimately, the U.S. and India were the only countries allocated 2.3 GHz because they were not able to use either of the other bands for BSS (Sound). Resolution 528 also was adopted to aid coordination with existing services and to ensure that all countries may have access to BSS (Sound) spectrum allocated at WARC-92 by requiring a planning conference before 1998. The resolution suggests that in the interim period BSS (Sound) systems be limited to the upper 25 MHz of the appropriate

band.

Resolution 528 has two purposes. First, it is intended to ensure that BSS (Sound) orbital slots and frequencies remain available for less developed countries that share an allocation with other administrations that might otherwise make immediate use

in the NOI that "[i]n the United States, international planning for the BSS (Sound) does not appear to be necessary, since the U.S. allocation is common only to the United States and India."⁵ As a result, the entire BSS (Sound) Band may be made available for immediate use in the U.S. notwithstanding Resolution 528.

The U.S. should, however, support the planning conference called for by Resolution 528 for L-Band. Given the geographic breadth of that allocation and the wide variety of administrations involved, the purposes of Resolution 528 are directly at issue.

⁵ NOI, at para.10.

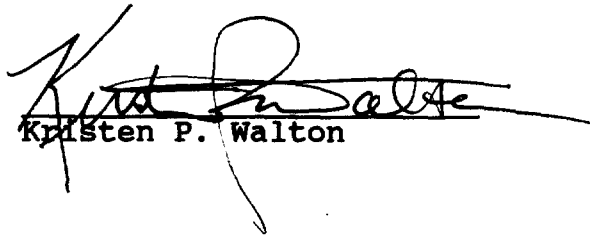
Conclusion. The United States is positioned to move forward towards a domestic DARS allocation, consideration of the multiple applications to provide DARS service and implementation of a new high-quality audio service in advance of other countries. This opportunity for early implementation of this important new service on our terms should not be lost by revisiting issues already resolved. Efforts to revisit the allocation of S-Band frequencies to the U.S. and to impose onerous coordination and protection criteria will only delay initiation of DARS and may cause the U.S. to yield the technological high ground of DARS. The U.S. should continue on the path it has set to allocate the S-Band and license systems.

Respectfully Submitted,

DIGITAL SATELLITE BROADCASTING CORPORATION

CERTIFICATE OF SERVICE

I herby certify that on this 19th day of July, 1993, copies of the foregoing COMMENTS OF DIGITAL SATELLITE BROADCASTING CORPORATION were served via hand delivery* or first class mail, postage prepaid, to the parties on the attached service list.


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